

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/540,148	FRY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Naeem Haq	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/17/2006.
2. ☒ The allowed claim(s) is/are 1-7,10-17,20-27,30 and 40-76.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

  
 Jeffrey A. Smith  
 Primary Examiner

## DETAILED ACTION

### ***Allowable Subject Matter***

Claims 1-7, 10-17, 20-27, 30, 40-76 are allowed.

The following is the Examiner's statement of reasons for allowance: Statement of allowance is in reference to independent claims 1, 11, 21, 40, and 50. All other claims are dependencies of these independent claims.

The present application is directed to a method and system for ordering digital image products over a network by transmitting to a remote server a low-resolution image file (i.e. no greater than 384 by 256 pixels) and meta data containing information about the corresponding high-resolution image file (i.e. greater than 384 by 256). The user is then able to manipulate the low-resolution image file on the remote server for the fulfillment of goods and/or services.

The independent claims 1, 11, 21, 40, and 50 recite the uniquely patentable feature "said service provider providing feed back to said user based on said meta data..."

Discussion of most relevant prior art:

The following references have been identified as the most relevant prior art to the claimed invention.

(i) US 6,304,277 B1 to Hoekstra et al. ("Hoekstra"). Hoekstra teaches a system and method for the remote modification of digital images using scripts. However, Hoekstra

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fails to teach or suggest the limitation "said service provider providing feed back to said user based on said meta data..."

(ii) Dialog File 583 "Kodak to Unveil New System To Edit and Transmit Images"

("Kodak"). Kodak discloses electronic transmission of a low-resolution image for manipulation and creating a high-resolution image. However, Kodak fails to teach or suggest the limitation "said service provider providing feed back to said user based on said meta data..."

(iii) Dialog File 47 "Web photo finish: new online services for shutterbugs." ("Levin").

Levin discloses sending an image at low resolution over the web, editing the image, and printing the image at a higher resolution. However, Levin fails to teach or suggest the limitation "said service provider providing feed back to said user based on said meta data..."

(iv) Japanese Patent Number JP 2003348424 to SONY CORP. hereinafter referred to as SONY. SONY discloses a process for tracking the position of various players in a soccer game. This document was published after the Applicant's earliest priority date. Therefore, this document fails to qualify as prior art.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Naeem Haq**, Patent Examiner  
Art Unit 3625

May 25, 2006



Jeffrey A. Smith  
Primary Examiner